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NOV 1 0 2004 **TECHNOLOGY CENTER R3700**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of: THOMAS J. SHAW

For Reissue of U.S. Patent 5,810,775

Issued September 22, 1998

Serial No. 08/862,849

Filing Date:

September 19, 2000

Serial No.:

09/665,634

For

CAP OPERATED RETRACTABLE

MEDICAL DEVICE

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Group Art Unit: 3763

Examiner: Rodriguez

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Date of Signature

Kristen R. Paris, Registration No. 52,092 **Attorney for Applicant**

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Rejection dated May 5, 2004 and the Advisory Action dated September 17, 2004, in which the Examiner finally rejected claims 32, 34, 47 and 51-53 and objected to claims 35-39.

11/09/2004 AWONDAF1 00000112 08862849

01 FC:2401 02 FC:2253 170.00 OP 275.00 OP

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This Notice of Appeal is accompanied by a check in the amount of \$445, the statutory fee for filing a Notice of Appeal for a small entity and the fee for a three-month extension of the response period. A fee for the two-month extension of the response period was paid with the "Supplemental Amendment after Final" mailed October 5, 2004. The Commissioner is hereby authorized to charge any additional fee due in connection with the filing of this paper or credit any overpayment to the Locke Liddell & Sapp LLP Deposit Account No. 12-1781.

Respectfully submitted,

Kristen R. Paris

Registration No. 52,092

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